

Serial No. 09/254,966

Atty. Docket No. Mo 5092/LeA 31 778

REMARKS

Applicants respectfully request reconsideration and reexamination of the present application in light of the amendments and the remarks below.

Claims 28-31 are pending in this application. To expedite prosecution of the pending application, Applicants have elected to cancel claims 28, 30, and 31.

Applicants note that the Examiner has withdrawn the rejection of claim 28 under 35 U.S.C. § 102(e) as being anticipated by Saeki, et al., (U.S. Patent No. 5,639,601), and the rejection of claim 29 under 35 U.S.C. § 102(e) as being anticipated by Robertson, et al., (Gene Bank Accession No. P03308, sequence update 1988) (Paper No. 05212004, pages 2-3).

Specification

The Examiner requested an update of the status of all parent priority applications in the first line of the specification (Paper No. 05212004, page 2).

The specification has been amended accordingly.

Rejection Under 35 U.S.C. § 112, second paragraph

The Examiner has maintained the rejection of claims 30 and 31 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention (Paper No. 05212004, page 2).

To expedite prosecution of the pending application, Applicants have elected to cancel claims 30 and 31, thereby obviating the rejection. Applicants respectfully request withdrawal of the present rejection

Rejection Under 35 U.S.C. § 103(a)

The Examiner rejected claim 28 under 35 U.S.C. § 103(a) as unpatentable over Saeki, et al., (U.S. Patent No. 5,639,601) in view of Robertson, et al., (Gene Bank Accession No. P03308, sequence update 1988) (Paper No. 05212004, pages 3-4).

To expedite prosecution of the pending application, Applicants have elected to cancel claim 28, thereby obviating the rejection. Applicants respectfully request withdrawal of the present rejection

Allowable Subject Matter

The Examiner stated that claim 29 is allowable (Paper No. 05212004, page 4)

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CONCLUSION


For the foregoing reasons, Applicants submit that the claims are in condition for allowance and Applicants respectfully request reexamination of the present application, reconsideration and withdrawal of the present rejections. Should there be any further matter requiring consideration, Examiner Winkler is invited to contact the undersigned counsel.

If there are any further fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 13-3372. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

Date: October 1, 2004

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Amendment to the Specification

Please amend the specification by inserting this paragraph on page 1, line 1 of the specification following the title:

This application is a 371 of PCT/EP97/04866, filed September 8, 1997.

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Amended Claims (Attorney Docket No. Mo 5092/LcA 31 778)

28. (Cancelled).
29. (Previously presented) A peptide consisting of a polypeptide sequence of SEQ ID NO. 45.
30. (Cancelled).
31. (Cancelled).